

REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 61 through 78 and 117 through 131 are pending, with Claims 61, 117 through 124, and 131 being independent. Claims 67, 68, 71, 72, 77, 78, 120, 121, 123, 124, 125/(120,123), 126/(120, 121, 123, 124), 127/126/(120, 121, 123, 124), 128/(120, 121, 123, 124), 129/128/(120, 121, 123, 124), and 130/(120, 121, 123, 124) were withdrawn from consideration. Claim 131 has been added. It will be appreciated that Claim 131 has been formulated upon the basis of Claim 61, but recites alternative language, viz, --the curvatures in a sub scanning direction of two of the surfaces of said imaging lens *can be defined as functions of variables not including curvatures* in a main scanning direction over the effective area of said imaging lens--. Favorable consideration is earnestly solicited.

Applicant wishes to advise that all of the subject application's claims have been copied in modified form from Claims 1 through 4 and 6 through 13 of U.S. Patent No. 5,883,732 (Takada, et al.) as shown by the following Table:

***Table***

<u>Takada, et al.</u> claims	subject application claims
1	61, 117, 118, 122, 125/117, 125/118, 125/122, 130/117, 130/118, 130/122, 131
2	62, 116, 119, 121, 124, 128/119, 128/121, 128/124, 129/128/119, 129/128/121, 129/128/124, 130/119, 130/121, 130/124
3/1	63, 126/117, 126/118, 126/120, 126/122, 126/123
3/2	73, 126/119, 126/121, 126/124
4/3/1	64, 127/126/117, 127/126/118, 127/126/120, 127/126/122, 127/126/123
4/3/2	74, 127/126/119, 127/126/121, 127/126/124
5/4/3/1	
5/4/3/2	
6/5/4/3/1	65
6/5/4/3/2	75
7/6/5/4/3/1	66

<u>Takada, et al.</u> claims	subject application claims
7/6/5/4/3/2	76
8/6/5/4/3/1	67
8/6/5/4/3/2	77
9/8/6/5/4/3/1	68
9/8/6/5/4/3/2	78
10	69, 128/117, 128/118, 128/120, 128/122, 128/123
11	70, 129/128/117, 129/128/118, 129/128/120, 129/128/122, 129/128/123
12	71, 120, 123, 125/123
13	72, 130/120, 130/123

Favorable consideration is earnestly solicited.

Claims 61-66, 69, 70, 73-76, 117, 118, 119, 122, 125/(117,118,122), 126/(117, 118, 119, 122), 127/126/(117, 118, 119, 122), 128/(117, 118, 119, 122), 129/128/(117, 118, 119, 122), 130/(117, 118, 119, 122) again were rejected under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, for reasons of record. In particular, they were again rejected as lacking written description on the grounds that the expression “the curvatures in a sub-scanning direction of two of the surfaces of said imaging lens vary continuously... and *independently of the curvatures in the main scanning direction*” (emphasis in Official Action) is not supported. All rejections are respectfully traversed.

Applicant again submits that support may be found, for example, at p. 8, lines 9 and 27, which state that the lens shape in the sub scanning plane is *independent* of the lens shape in the main scanning plane. But the Official Action, at p. 2, disagrees with the foregoing, stating:

because the teachings on page 8 is unrelated to the argued feature, for example, at page 8, lines 5-10 and 22-27, which state “the non-uniformity of lateral magnification in the sub scanning direction between the light deflector and the surface to be scanned is eliminated by only the lens shape (the sub scanning plane shape) in the sub scanning plane, independently of the lens shape in the main scanning plane”.

In other words, the Official Action seems to take the position that the references in this portion of the specification to “lens shape” do not support the claimed term “curvature.” Applicant respectfully traverses the foregoing, and submit that the *independent* “lens shape” as disclosed at p. 8 reasonably supports the *independent* “curvature” as claimed.

Applicant also again respectfully directs the Examiner’s attention to, for example, the equations on p. 27, which show that the equation defining the radius of curvature in the sub-scanning direction does *not* contain the radius of curvature in the main scanning direction (this is different from, for example, U.S. Patent No. 5,418,639 (Yamazaki), where in Equation (2), the variable “rh” (secondary scanning direction radius of curvature) *is* dependent upon the variable “R” (primary scanning direction section radius of curvature) as discussed in Dr. Moore’s Declaration filed April 2, 2003, paragraphs 20-22). The Official Action disagrees, stating:

Applicant further argues that the equations on page 27 provide support for the argued feature. This argument is also unpersuasive because none of the seven embodiments (see Tables 1-7) disclosed in the application provides a complete support for the argued feature; for example, Table 5 supports for the first surface, but does not support for the second surface because the second surface in the main scanning direction is symmetry with respect to the optical axis. As disclosed in Takada et al, column 5, lines 55-59, “It should also be noted that ..., the curvatures in the main and sub-scanning directions will depend on each other if the surfaces are aspheric and symmetric with respect to the optical axis”.

Applicant respectfully traverses the foregoing. First, Applicant submits that the p. 27 equations support the claimed features irrespective of the embodiments. Second, Applicant respectfully submits that the embodiments (Tables 1-6) do, in fact, support the claimed features, since each has surfaces as claimed. In this regard, Applicant traverses the reliance in the Official Action upon Table 5’s second surface in the main scanning direction. It is true, submits Applicant, that the B coefficients are the same on the “S” and “E” sides (e.g.,  $B_6S=B_6E$ ) in Table 5’s second surface (resulting in *plane* symmetry), but that does *not* mean that the second surface is *rotationally* symmetric (which is the symmetry being discussed in the cited portion of Takada, et al.); indeed, Table 5’s second surface is not rotationally symmetric. Accordingly, Applicants submit that Table 5’s second surface fully supports the recitation that the curvature in the sub-scanning direction is *independent* of that in the main scanning direction as required by the claim.

Applicant also submits that newly-presented Claim 131 avoids the ground of rejection since it does not use the objected-to term “independent,” but instead recites --wherein the curvatures in a sub-scanning direction of two of the surfaces of said imaging lens can be defined as functions of variables not including curvatures in a main scanning direction over the effective

area of said imaging lens--, which is supported at least by the above-discussed portions of Applicant's specification.

In view of the foregoing, Applicant respectfully submits that the artisan would have thought that Applicant was in possession of the claimed invention, *in haec verba* support not being required. MPEP 2163.02, 2163.04. Therefore, written description under 35 U.S.C. § 112, 1<sup>st</sup> paragraph, is present.

Lastly, the Official Action refers to pp. 4-6 of the October 22, 2009 Official Action and says that its position therefore is maintained. In response, Applicant respectfully wishes again to reiterate the comments set forth in the September 2, 2008 Preliminary Amendment. For example, at pp. 9-10 thereof, Applicant presented arguments including: (1) a discussion of the prosecution history of Takada, et al., and (2) a discussion of Takada, et al.'s numerical embodiments. Applicant respectfully asks that the Official Action specifically address the foregoing arguments since, for example, Takada, et al.'s prosecution history and numerical embodiments support an interpretation of Takada, et al.'s claims different from that set forth in the Official Action.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

REQUEST FOR INTERVIEW

Applicant respectfully requests that the Examiner contact Applicant's undersigned representative, Daniel S. Glueck, at (202) 530-1010 to schedule a personal interview.

CONCLUSION

Applicant respectfully submits that declaration of an interference is appropriate, as discussed in the September 2, 2008 Preliminary Amendment. If the Examiner agrees, then Applicant respectfully requests that the Examiner contact Applicant's undersigned representative at (202) 503-1010 before acting upon the application so that any additional papers desired by the Examiner may be timely prepared and filed. Favorable consideration is earnestly solicited.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address given below.

Respectfully submitted,

/Daniel S. Glueck/  
Daniel S. Glueck  
Attorney for Applicant  
Registration No. 37,838

FITZPATRICK, CELLA, HARPER & SCINTO  
1290 Avenue of the Americas  
New York, NY 10104-3800  
Facsimile: (212) 218-2200  
DSG/jjr